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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 JOEL PAUL REESMAN,

9 Petitioner,

10 v.

11 RON HAYNES,

12 Respondent.

CASE NO. 3:16-cv-05925-BHS-TLF

ORDER ON REVIEW OF MOTION
TO RECUSE

13 On December 26, 2017, Plaintiff Joel Paul Reesman filed a Motion for Recusal of
14 Magistrate Judge Theresa L. Fricke in this matter. Dkt. #31. On January 29, 2018, Judge Fricke
15 issued an Order declining to recuse herself and, in accordance with this Court's Local Rules,
16 referred that decision to the Chief Judge for review. Dkt. #38; LCR 3(e).

17 A judge of the United States shall disqualify herself in any proceeding in which her
18 impartiality "might reasonably be questioned." 28 U.S.C. § 455(a). Federal judges also shall
19 disqualify themselves in circumstances where they have a personal bias or prejudice concerning
20 a party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28
21 U.S.C. § 455(b)(1). Pursuant to 28 U.S.C. § 144, "whenever a party to any proceeding in a
22 district court makes and files a timely and sufficient affidavit that the judge before whom the
23 matter is pending has a personal bias or prejudice either against him or in favor of any adverse
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1 party, such judge shall proceed no further therein, but another judge shall be assigned to hear
2 such proceeding.” “[A] judge's prior adverse ruling is not sufficient cause for recusal.” *United*
3 *States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor v. Regents of Univ. of Cal.*,
4 993 F.2d 710, 712 (9th Cir. 1993) (“To warrant recusal, judicial bias must stem from an
5 extrajudicial source.”).

6 The Court has reviewed Mr. Reesman’s Motion to Recuse and the documents cited
7 therein. Mr. Reesman argues that Judge Fricke has “prejudice in favor of the government” and
8 that “there is no proof anywhere that Judge Fricke considered any of his claims ever.” Dkt. 31 at
9 1–2. Mr. Reesman discusses the merits of his case and points out that Judge Fricke did not
10 explicitly address all of his arguments in her Report and Recommendation. *Id.* The Court finds
11 that Mr. Reesman is relying solely on the Court’s prior adverse ruling as evidence of bias, and
12 that this is insufficient to warrant recusal. *See Studley, supra; Taylor, supra.* Plaintiff cites to no
13 extrajudicial evidence. Plaintiff’s arguments do not otherwise indicate a reasonable basis to
14 question impartiality.

15 Accordingly, the Court hereby finds and ORDERS that Judge Fricke’s refusal to recuse
16 herself from this matter is AFFIRMED. The Clerk shall provide a copy of this Order to Mr.
17 Reesman.

18 DATED this 5 day of February, 2018.

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21 RICARDO S. MARTINEZ
22 CHIEF UNITED STATES DISTRICT JUDGE
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